  
Ronald H. Lewis, M.D., Chair  
Panel A

1 XAVIER BECERRA  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2015-012344

12 **EDWARD B. FOHRMAN, M.D.**  
13 **26513 N Brant Way**  
**Canyon Country, CA**  
14 **91387**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate No. A**  
**65434,**

16 Respondent.

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Medical Board of California of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, by Brian D. Bill,  
27 Deputy Attorney General.

28 //

2. Respondent Edward B. Fohrman, M.D. (Respondent) is represented in this proceeding by attorney Nicholas Jurkowitz of the Fenton Law Group, whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles, Ca 90025.

3. On or about June 5, 1998, the Board issued Physician's and Surgeon's Certificate No. A 65434 to Edward B. Fohrman, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-012344, and will expire on May 31, 2018, unless renewed.

## JURISDICTION

4. Accusation No. 800-2015-012344 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2015-012344 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-012344. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

//

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 800-2015-012344, if proven at a hearing, constitute cause for imposing discipline upon his  
4 Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
8 those charges.

9 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
10 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
11 Disciplinary Order below.

12 12. Respondent agrees that if he ever petitions for early termination or modification of  
13 probation, or if the board ever petitions for revocation of probation, all of the charges and  
14 allegations contained in Accusation No. 800-2015-012344 shall be deemed true, correct, and fully  
15 admitted by Respondent for purposes of that proceeding or any other licensing proceeding  
16 involving Respondent in the State of California.

17 RESERVATION

18 13. The admissions made by Respondent herein are only for the purposes of this  
19 proceeding, or any other proceedings in which the Medical Board of California or other  
20 professional licensing agency is involved, and shall not be admissible in any other criminal or  
21 civil proceeding.

22 CONTINGENCY

23 14. This stipulation shall be subject to approval by the Medical Board of California.  
24 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
25 Board of California may communicate directly with the Board regarding this stipulation and  
26 settlement, without notice to or participation by Respondent or his counsel. By signing the  
27 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
28 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails

1 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
2 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
3 action between the parties, and the Board shall not be disqualified from further action by having  
4 considered this matter.

5 15. The parties understand and agree that Portable Document Format (PDF) and facsimile  
6 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
7 signatures thereto, shall have the same force and effect as the originals.

8 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
9 the Board may, without further notice or formal proceeding, issue and enter the following  
10 Disciplinary Order:

11 **DISCIPLINARY ORDER**

12 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 65434 issued  
13 to Respondent Edward B. Fohrman, M.D. is revoked. However, the revocation is stayed and  
14 Respondent is placed on probation for three (3) years on the following terms and conditions.

15 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain  
16 completely from the personal use or possession of controlled substances as defined in the  
17 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and  
18 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not  
19 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide  
20 illness or condition.

21 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent  
22 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone  
23 number; medication name, strength, and quantity; and issuing pharmacy name, address, and  
24 telephone number.

25 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the  
26 use of products or beverages containing alcohol.

27 3. BIOLOGICAL FLUID TESTING.

28 (A) The Board shall require biological fluid testing of substance-abusing licensees.

1 (B) For the purposes of this section, the terms "biological fluid testing" and "testing"  
2 mean the acquisition and chemical analysis of a licensee's urine, blood, breath, or hair.

3 (C) The Board may order a licensee to undergo a biological fluid test on any day, at  
4 any time, including weekends and holidays. Additionally, the licensee shall be subject to 52-104  
5 random tests per year within the first year of probation, and 36-104 random tests per year during  
6 the second year of probation and for the duration of the probationary term, up to five (5) years. If  
7 there has been no positive biological fluid tests in the previous five (5) consecutive years of  
8 probation, testing may be reduced to one (1) time per month.

9 (D) Nothing precludes the Board from increasing the number of random tests to the  
10 first-year level of frequency for any reason, including, but not limited to, if the Board finds or has  
11 suspicion that a licensee has committed a violation of the Board's testing program or has  
12 committed a violation as identified in section 1361.52(a), in addition to ordering any other  
13 disciplinary action that may be warranted.

14 (E) The scheduling of biological fluid testing shall be done on a random basis,  
15 preferably by a computer program, except when testing on a specific date is ordered by the Board  
16 or its designee.

17 (F) The licensee shall be required to make daily contact with the Board or its designee  
18 to determine if biological fluid testing is required. The licensee shall be tested on the date of the  
19 notification as directed by the Board or its designee.

20 (G) Prior to changing testing locations for any reason, including during vacation or  
21 other travel, alternative testing locations must be approved by the Board and meet the  
22 requirements set forth in section 1361.54.

23 (H) The cost of biological fluid testing shall be borne by the licensee.

24 (I) Exceptions to Testing Frequency Schedule.

25 (1) Previous Testing Orders/Sobriety. In cases where the Board has evidence that a licensee  
26 has participated in a treatment or monitoring program requiring random testing prior to being  
27 subject to testing by the Board, the Board may give consideration to that testing in altering the  
28 Board's own testing schedule so that the combined testing is equivalent to the requirements of this

1 section.

2 (2) Violation(s) Outside of Employment. A licensee whose license is placed on probation  
3 for a single conviction or incident or two convictions or incidents spanning greater than seven  
4 years from each other, where those violations did not occur at work or while on the licensee's way  
5 to work, where alcohol or drugs were a contributing factor, may bypass the first-year testing  
6 frequency requirements and participate in the second-year testing frequency requirements.

7 (3) Not Employed in Health Care Field. The Board may reduce the testing frequency to a  
8 minimum of 12 times per year for any licensee who is not practicing or working in any health  
9 care field. If a reduced testing frequency schedule is established for this reason, and if a licensee  
10 wants to return to practice or work in a health care field, the licensee shall notify and secure the  
11 approval of the Board. Prior to returning to any health care employment, the licensee shall be  
12 required to test at the first-year testing frequency requirement for a period of at least 60 days. At  
13 such time the person returns to employment in a health care field, if the licensee has not  
14 previously met the first-year testing frequency requirement, the licensee shall be required to test  
15 at the first-year testing frequency requirement for a full year before he or she may be reduced to  
16 testing frequency of at least 36 tests per year.

17 (4) Tolling. A Board may postpone all testing for any licensee whose probation is placed in  
18 a tolling status while the licensee is not residing in California, provided the overall length of the  
19 probationary period is also tolled. A licensee shall notify the Board upon the licensee's return to  
20 California and shall be subject to biological fluid testing as provided in this section. If the licensee  
21 returns to employment in a health care field and has not previously met the first-year testing  
22 frequency requirements, the licensee shall be subject to completing a full year at the first-year  
23 testing frequency requirements, otherwise the second-year testing frequency requirements shall be  
24 in effect.

25 (5) Substance Abuse Disorder Not Diagnosed. In cases where no current substance abuse  
26 disorder diagnosis is made, a lesser period of monitoring and biological fluid testing may be  
27 adopted by the Board, but shall not be less than 24 times per year.

28 (J) Reinstatement of License or Reduction of Penalty. Nothing herein shall limit the

1 Board's authority to reduce or eliminate the penalties herein pursuant to a petition for  
2 reinstatement or reduction of penalty filed pursuant to Government Code section 11522.

3 4. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days  
4 of the effective date of this Decision, Respondent shall submit to the Board or its designee, for its  
5 prior approval, the name of a substance abuse support group which he or she shall attend for the  
6 duration of probation. Respondent shall attend substance abuse support group meetings at least  
7 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance  
8 abuse support group meeting costs.

9 The facilitator of the substance abuse support group meeting shall have a minimum of three  
10 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed  
11 or certified by the state or nationally certified organizations. The facilitator shall not have a  
12 current or former financial, personal, or business relationship with Respondent within the last five  
13 (5) years. Respondent's previous participation in a substance abuse group support meeting led by  
14 the same facilitator does not constitute a prohibited current or former financial, personal, or  
15 business relationship.

16 The facilitator shall provide a signed document to the Board or its designee showing  
17 Respondent's name, the group name, the date and location of the meeting, Respondent's  
18 attendance, and Respondent's level of participation and progress. The facilitator shall report any  
19 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
20 or its designee, within twenty-four (24) hours of the unexcused absence.

21 5. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
22 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
23 probation.

24 A. If Respondent commits a major violation of probation as defined by section  
25 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
26 one or more of the following actions:

27 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
28 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of



1 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
2 order issued by the Board or its designee shall state that Respondent must test negative for at least  
3 a month of continuous biological fluid testing before being allowed to resume practice. For  
4 purposes of determining the length of time a Respondent must test negative while undergoing  
5 continuous biological fluid testing following issuance of a cease-practice order, a month is  
6 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
7 notified in writing by the Board or its designee that he or she may do so.

8 (2) Increase the frequency of biological fluid testing.

9 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
10 other action as determined by the Board or its designee.

11 B. If Respondent commits a minor violation of probation as defined by section  
12 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
13 one or more of the following actions:

14 (1) Issue a cease-practice order;

15 (2) Order practice limitations;

16 (3) Order or increase supervision of Respondent;

17 (4) Order increased documentation;

18 (5) Issue a citation and fine, or a warning letter;

19 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
20 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
21 Regulations, at Respondent's expense;

22 (7) Take any other action as determined by the Board or its designee.

23 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
24 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
25 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
26 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
27 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
28 against Respondent during probation, the Board shall have continuing jurisdiction until the matter

1 is final, and the period of probation shall be extended until the matter is final.

2 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
3 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
4 Chief Executive Officer at every hospital where privileges or membership are extended to  
5 Respondent, at any other facility where Respondent engages in the practice of medicine,  
6 including all physician and locum tenens registries or other similar agencies, and to the Chief  
7 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
8 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
9 calendar days.

10 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

11 7. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
12 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
13 advanced practice nurses.

14 8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within  
15 thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the  
16 Board or its designee for prior approval as a worksite monitor, the name and qualifications of one  
17 or more licensed physician and surgeon, other licensed health care professional if no physician  
18 and surgeon is available, or, as approved by the Board or its designee, a person in a position of  
19 authority who is capable of monitoring the Respondent at work.

20 The worksite monitor shall not have a current or former financial, personal, or familial  
21 relationship with Respondent, or any other relationship that could reasonably be expected to  
22 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
23 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
24 monitor, this requirement may be waived by the Board or its designee, however, under no  
25 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

26 The worksite monitor shall have an active unrestricted license with no disciplinary action  
27 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
28 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth

1 by the Board or its designee.

2 Respondent shall pay all worksite monitoring costs.

3 The worksite monitor shall have face-to-face contact with Respondent in the work  
4 environment on as frequent a basis as determined by the Board or its designee, but not less than  
5 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
6 by the Board or its designee; and review Respondent's work attendance.

7 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
8 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected  
9 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
10 be made to the Board or its designee within one (1) hour of the next business day. A written  
11 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
12 any other information deemed important by the worksite monitor shall be submitted to the Board  
13 or its designee within 48 hours of the occurrence.

14 The worksite monitor shall complete and submit a written report monthly or as directed by  
15 the Board or its designee which shall include the following: (1) Respondent's name and  
16 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
17 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
18 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
19 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
20 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
21 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
22 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
23 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

24 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
25 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
26 approval, the name and qualifications of a replacement monitor who will be assuming that  
27 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
28 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the

1 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
2 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
3 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
4 responsibility.

5 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all  
6 rules governing the practice of medicine in California and remain in full compliance with any  
7 court ordered criminal probation, payments, and other orders.

8 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly  
9 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
10 been compliance with all the conditions of probation.

11 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
12 of the preceding quarter.

13 11. GENERAL PROBATION REQUIREMENTS.

14 Compliance with Probation Unit

15 Respondent shall comply with the Board's probation unit.

16 Address Changes

17 Respondent shall, at all times, keep the Board informed of Respondent's business and  
18 residence addresses, email address (if available), and telephone number. Changes of such  
19 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
20 circumstances shall a post office box serve as an address of record, except as allowed by Business  
21 and Professions Code section 2021(b).

22 Place of Practice

23 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
24 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
25 facility.

26 License Renewal

27 Respondent shall maintain a current and renewed California physician's and surgeon's  
28 license.

1        Travel or Residence Outside California

2        Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
3 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
4 (30) calendar days.

5        In the event Respondent should leave the State of California to reside or to practice,  
6 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
7 departure and return.

8        12.        INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
9 available in person upon request for interviews either at Respondent's place of business or at the  
10 probation unit office, with or without prior notice throughout the term of probation.

11        13.        NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board  
12 or its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
14 defined as any period of time Respondent is not practicing medicine as defined in Business and  
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
17 Respondent resides in California and is considered to be in non-practice, Respondent shall  
18 comply with all terms and conditions of probation. All time spent in an intensive training  
19 program which has been approved by the Board or its designee shall not be considered non-  
20 practice and does not relieve Respondent from complying with all the terms and conditions of  
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
22 on probation with the medical licensing authority of that state or jurisdiction shall not be  
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
24 period of non-practice.

25        In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
26 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

Respondent’s period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Respondent residing outside of California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing.

14. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent’s certificate shall be fully restored.

15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

16. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent’s request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent’s wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the

1 application shall be treated as a petition for reinstatement of a revoked certificate.

2 17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
3 with probation monitoring each and every year of probation, as designated by the Board, which  
4 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
5 California and delivered to the Board or its designee no later than January 31 of each calendar  
6 year.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, Nicholas Jurkowitz. I understand the stipulation and the effect it  
10 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
12 Decision and Order of the Medical Board of California.

13  
14 DATED: 7-26-18

  
EDWARD B. FOHRMAN, M.D.  
Respondent

16 I have read and fully discussed with Respondent Edward B. Fohrman, M.D. the terms and  
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
18 I approve its form and content.

19  
20 DATED: 7-26-18

  
NICHOLAS JURKOWITZ  
Attorney for Respondent

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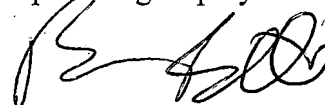
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 7-26-18

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General



BRIAN D. BILL  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2015-012344**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
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3 BRIAN D. BILL  
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7 *Attorneys for Complainant*

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**SACRAMENTO FEBRUARY 22 2018**  
**BY: [Signature] ANALYST**

8 **BEFORE THE**  
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11 In the Matter of the Accusation Against:

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13 **26513 N Brant Way**  
**Canyon Country, CA**  
14 **91387.**

**A C C U S A T I O N**

15 **Physician's and Surgeon's Certificate**  
**No. A 65434,**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about June 5, 1998, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number A 65434 to Edward B. Fohrman, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on May 31, 2018, unless renewed.

27 //

28 //

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2239 of the Code states:

“(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee

1 to practice medicine safely or more than one misdemeanor or any felony involving the use,  
2 consumption, or self-administration of any of the substances referred to in this section, or any  
3 combination thereof, constitutes unprofessional conduct. The record of the conviction is  
4 conclusive evidence of such unprofessional conduct.

5 "(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is  
6 deemed to be a conviction within the meaning of this section. The Medical Board may order  
7 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the  
8 denial of the license when the time for appeal has elapsed or the judgment of conviction has been  
9 affirmed on appeal or when an order granting probation is made suspending imposition of  
10 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
11 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,  
12 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or  
13 indictment."

#### 14 CAUSE FOR DISCIPLINE

##### 15 (Harmful Use of Alcohol and/or Drugs)

16 6. Respondent Edward B. Fohrman, M.D. is subject to disciplinary action under  
17 California Business and Professions Code section 2239, subdivision (a) in that Respondent used  
18 alcohol and/or drugs in a manner dangerous to himself and/or others. The circumstances are as  
19 follows:

20 7. On or about November 15, 2017, Respondent disclosed to the Board that he had used  
21 alcohol and/or drugs in a manner dangerous to himself and/or others.

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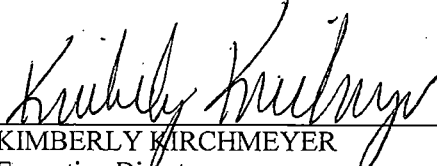
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 65434, issued to Edward B. Fohrman, M.D.;
2. Revoking, suspending or denying approval of Edward B. Fohrman, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Edward B. Fohrman, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: February 22, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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